

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
(CLARKSBURG)

MARY LOUISE PEASLEE, individually
and as Executrix of the estate
of Paul C. Peaslee, deceased,

Plaintiff,

Vs.

CIVIL ACTION NO. 1:10-CV-105
JUDGE KEELEY

KAWASAKI MOTORS CORP., USA,
A foreign corporation,

Defendant.

PLAINTIFF'S ANSWERS TO DEFENDANT'S REQUEST FOR ADMISSIONS,
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

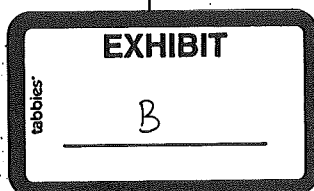
Now comes the plaintiff, Mary Louise Peaslee, individually, and by and through her attorney, C. Paul Estep and Estep & Shaffer, L.C., and hereby answers Kawasaki Motors Corp, USA's Interrogatories, Request for Admissions and Requests for Production, as follows:

1. Plaintiff does not have evidence that the accident at issue on August 22, 2009 was caused by Paul C. Peaslee inadvertently releasing or "tripping" the parking brake of the 2007 Kawasaki Mule 3010.

Admitted _____ Denied X

2. If your response to the immediately preceding Request is anything other than an unqualified admissions, identify the following:

- (a) All facts that allegedly support your contention that Paul Peaslee inadvertently released the parking brake;
- (b) All witnesses known to you, including name, address and telephone number, who allegedly support your contention that Paul Peaslee



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inadvertently released the parking brake;

(c) All documents that allegedly support your contention that Paul Peaslee inadvertently released the parking brake; and

(d) All written witness statements that allegedly support your contention that Paul Peaslee inadvertently released the parking brake.

RESPONSE:

Plaintiff contends that the defective design of the machine was the proximate cause of the accident, and any action of Paul Peaslee was a result within the risk created by the defective design of the product. Paul Peaslee described to a number of people exactly how the accident happened, and he consistently stated that he inadvertently and unknowingly tripped the parking brake on his Kawasaki Mule 3010 with his left leg as he was dismounting the vehicle. Paul Peaslee made these statements to his brother John K. Peaslee, his children, his wife, his attorneys, and possibly others who have not yet been identified. Additionally, the plaintiff has pictures of Paul C. Peaslee demonstrating how the accident happened. These pictures have already been provided in the report of Steven Wiker dated August 11, 2010, and are also included herewith. Paul Peaslee's brother John K. Peaslee will testify that the same thing happened to him (the parking brake was inadvertently tripped by his left leg) so he understood exactly what his brother was telling him. Also, Mr. Peaslee described the accident to his friend Ken Worley. Mr. Worley will testify that he also owns a Kawasaki Mule 3010 and that he has experienced the parking brake being tripped. He will testify that Mr. Peaslee told him how the accident happened.

3. No individual, other than Paul Peaslee, witnessed the accident at issue as it occurred.

4. If your response to the immediately preceding Request is anything other than an unqualified admission, identify the name, address, and telephone number of each alleged witness.

RESPONSE:

5. The plaintiff is not in possession of any recorded, written or otherwise memorialize statement of Paul Peaslee explaining how the accident at issue occurred.

Admitted _____

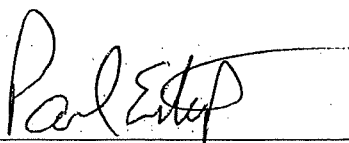
Denied X

6. If your Response to the immediately preceding Request is anything other than an unqualified admission, identify and produce a copy of each such statement.

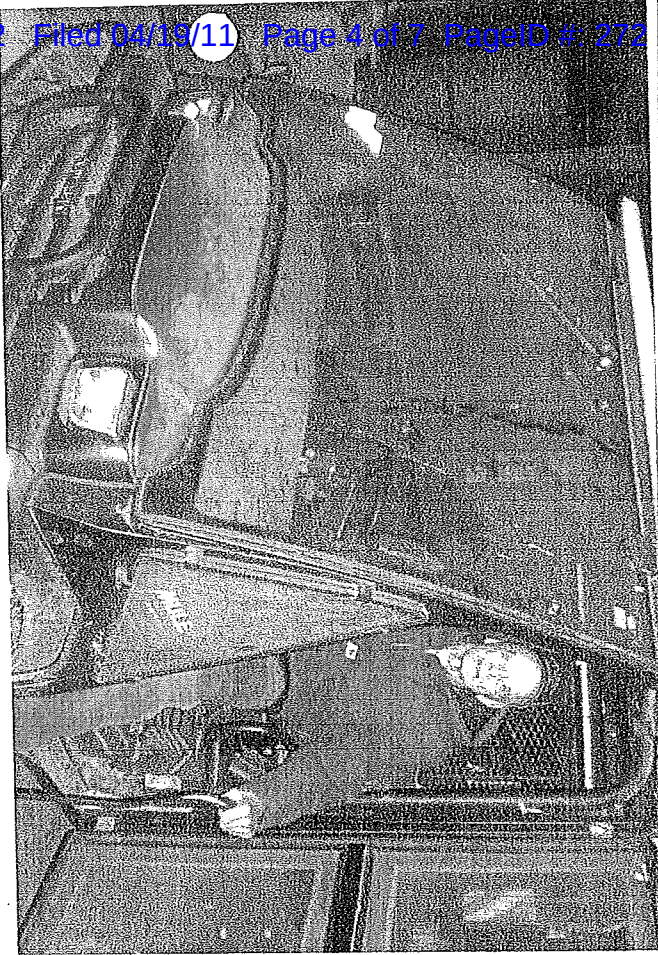
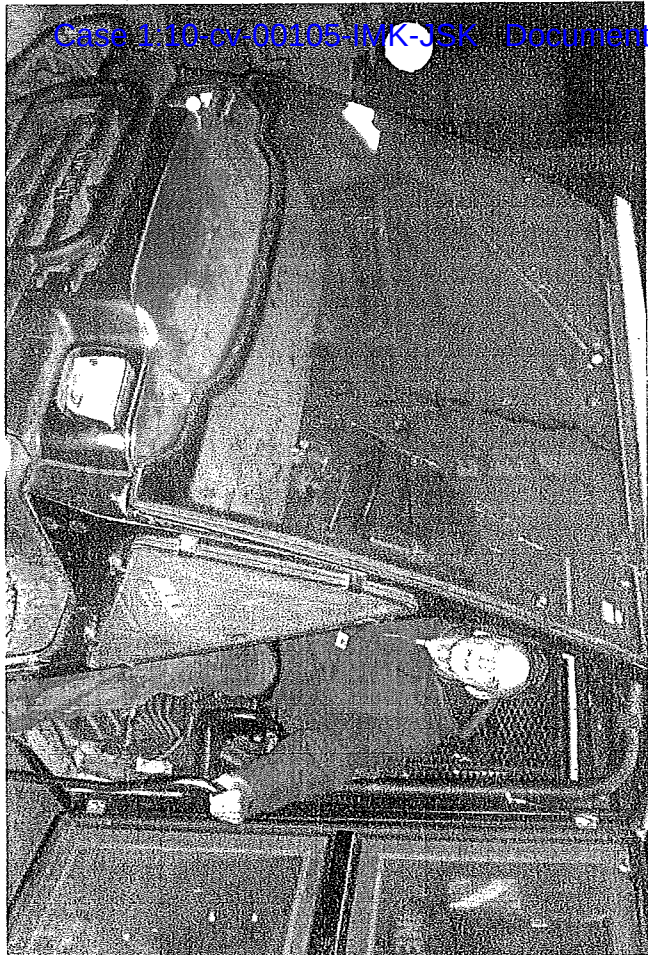
RESPONSE:

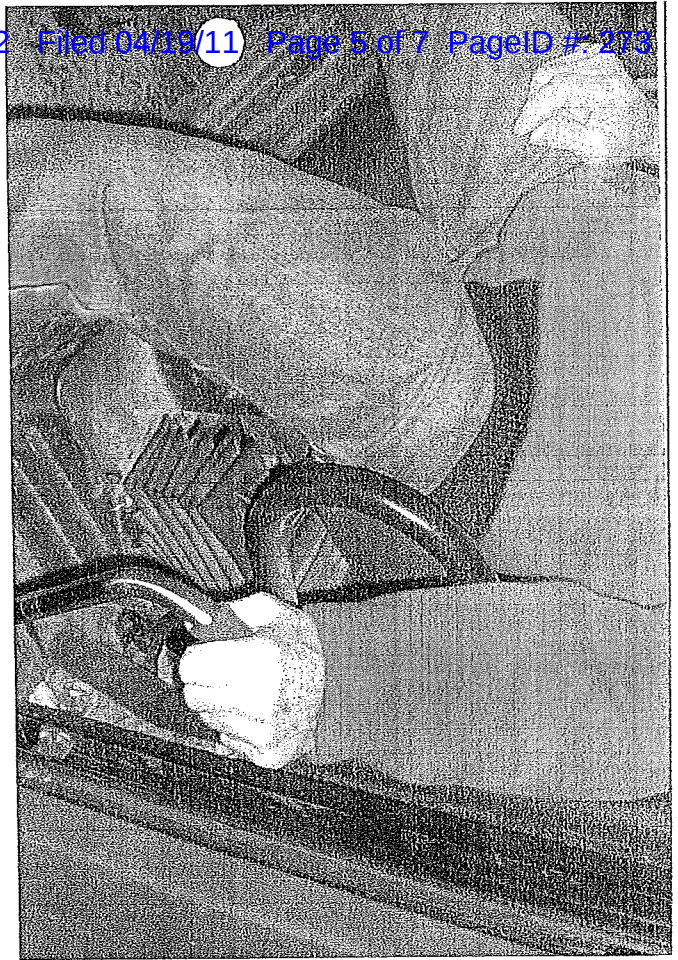
See copies of pictures attached hereto. Pictures show Paul C. Peaslee demonstrating how the accident occurred, with his left leg bumping the button on the parking brake of his 2007 Kawasaki Mule 3010.

MARY LOUISE PEASLEE,
By Counsel.



C. Paul Estep, Esquire, WV State Bar #5731
Estep and Shaffer, L.C.
212 W. Main Street
Kingwood, West Virginia 26537
Telephone (304) 329-6003
Facsimile (304) 329-6450

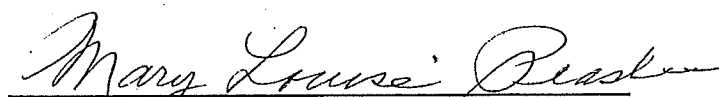




VERIFICATION

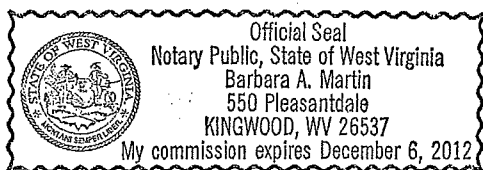
STATE OF WEST VIRGINIA,
COUNTY OF PRESTON, TO-WIT:

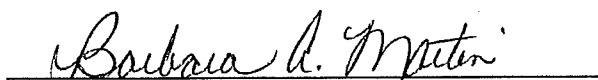
Mary Louise Peaslee, the Plaintiff in the hereto annexed "Plaintiff's Answers to Defendant's Request for Admissions, Interrogatories and Request for Production of Documents" being first duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be on information, he believes them to be true.


Mary Louise Peaslee

Taken, subscribed, and sworn to before me this 8th day of November, 2010.

My commission expires: 12/6/12.




Notary Public

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Defendant.

CERTIFICATE OF SERVICE

I, C. Paul Estep, hereby certify that on the 8th day of November, 2010, I electronically filed the foregoing **PLAINTIFF'S ANSWERS TO DEFENDANT'S REQUEST FOR ADMISSIONS, INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**, with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Clem C. Trischler, Esquire
Pietragallo Gordon Alfano
Bosick & Raspanti, LLP
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219

/s/ C. Paul Estep
C. Paul Estep, WV State Bar #5731
Estep & Shaffer, L.C.
212 W. Main Street
Kingwood, West Virginia 26537
(304) 329-6003